

MINUTES
HAZARDOUS WASTE MANAGEMENT ADVISORY COUNCIL
October 21, 2021

Oklahoma Department of Environmental Quality
Multipurpose Room
Oklahoma City, Oklahoma

Official after Approved by HWMAC
On October 27, 2022

Notice of Public Meeting - The Hazardous Waste Management Advisory Council (HWMAC) convened for a Regular Meeting at 10:00 a.m. on October 21, 2021. The meeting was held in accordance with the Open Meetings Act, with notice of the meeting given to the Secretary of State on November 4, 2020. The agenda was posted at the DEQ at least twenty-four hours prior to the meeting. Mr. Lee Grater, Chair, called the meeting to order. Ms. Quiana Fields called roll and a quorum was confirmed.

MEMBERS PRESENT

Kinnamon Clark
Matt Cobb
Dale Copeland
Kenneth Ede
Lyndel Gibson
Terry Vandell
Lee Grater

DEQ STAFF PRESENT

Mike Edwards
Kole Kennedy
Kelly Dixon
Mike Stickney
Clifton Hoyle
Ryan Kirk
Saba Tahmassebi
Heather Mallory
Aron Samwel
Lee Dooley
Quiana Fields

MEMBERS ABSENT

Wesley Anderson
Ray Reaves

OTHERS PRESENT

Debra Garver, Court Reporter

Chairperson's Report – Mr. Grater introduced new members to the Council.

See transcript page 4

Director's Report – Mr. Hoyle, Assistant Division Director of the LPD, provided an update on division activities. Also, Mr. Mike Stickney, Environmental Programs Manager of the LPD, provided an update on the budget.

See transcript pages 4 - 15

Discussion and Roll Call Vote to approve the Minutes from the July 2021 HWMAC meeting - Mr. Gibson moved to approve and Mr. Cobb made the second.

See transcript pages 15 - 16

Kinnamon Clark	Yes	Terry Vandell	Yes
Matt Cobb	Yes	Lee Grater	Yes
Dale Copeland	Yes		
Kenneth Ede	Yes		
Lyndel Gibson	Yes		

Discussion and Roll Call vote to approve the minutes from the October 2020 HWMAC meeting – Mr. Gibson moved to approve and Ms. Vandell made the second.

See transcript pages 16 - 18

Kinnamon Clark	Abstain	Terry Vandell	Yes
Matt Cobb	Abstain	Lee Grater	Yes
Dale Copeland	Yes		
Kenneth Ede	Yes		
Lyndel Gibson	Yes		

Discussion and Roll Call Vote on DEQ's proposed updates to the state hazardous waste rules in the context of recent statutory changes – Mr. Mike Edwards, Environmental Programs Manager of the LPD, gave an overview on the proposed update to the state hazardous waste rule. Following a comment by the Council and none by the public, Mr. Grater called for a motion to approve the rule. Mr. Clark moved to approve and Ms. Vandell made the second.

See transcript pages 18 - 23

Kinnamon Clark	Yes	Terry Vandell	Yes
Matt Cobb	Yes	Lee Grater	Yes
Dale Copeland	Yes		
Kenneth Ede	Yes		
Lyndel Gibson	Yes		

Discussion and Roll Call Vote on DEQ's proposed updates to Subchapters 1, 3, 5 and 7 of OAC 252:221 Brownfields – Ms. Aron Samwel, Brownfields Manager and Ms. Heather Mallory, Environmental Programs Specialist of the LPD, gave an update on the proposed rule. Following questions and comments by the Council and none by the public, Mr. Grater called for a motion. Ms. Vandell moved to approve and Mr. Gibson made the second.

See transcript pages 23 - 28

Kinnamon Clark	Yes	Terry Vandell	Yes
Matt Cobb	Yes	Lee Grater	Yes
Dale Copeland	Yes		
Kenneth Ede	Yes		
Lyndel Gibson	Yes		

Election of Officers for 2022 – Ms. Vandell made a motion that Mr. Grater remain as Chair and Mr. Reaves remain Vice-Chair and Dr. Ede made the second.

See transcript pages 28 - 29

Kinnamon Clark	Yes	Terry Vandell	Yes
Matt Cobb	Yes	Lee Grater	Yes
Dale Copeland	Yes		
Kenneth Ede	Yes		
Lyndel Gibson	Yes		

Set Meeting Dates for 2022 – The proposed HWMAC meeting dates for 2022 will be Thursday, July 21 and Thursday, October 20. Mr. Gibson moved to approve and Ms. Vandell made the second.

See transcript pages 29 - 31

Kinnamon Clark	Yes	Terry Vandell	Yes
Matt Cobb	Yes	Lee Grater	Yes
Dale Copeland	Yes		
Kenneth Ede	Yes		
Lyndel Gibson	Yes		

New Business – None

Adjournment – Mr. Clark moved to adjourn and Mr. Cobb made the second. The meeting was adjourned at 10:45 a.m.

See transcript page 32

Kinnamon Clark	Yes	Terry Vandell	Yes
Matt Cobb	Yes	Lee Grater	Yes
Dale Copeland	Yes		
Kenneth Ede	Yes		
Lyndel Gibson	Yes		

Transcript and attendance sheet is attached as an official part of these Minutes.

DEPARTMENT OF ENVIRONMENTAL QUALITY
HAZARDOUS WASTE MANAGEMENT ADVISORY COUNCIL

OCTOBER 21, 2021

10:00 A.M.

MULTIPURPOSE ROOM

DEPARTMENT OF ENVIRONMENTAL QUALITY

707 North Robinson Avenue

Oklahoma City, OK

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REPORTED BY DEBRA GARVER, CSR, RPR

<p style="text-align: right;">Page 2</p> <p style="text-align: center;">A P P E A R A N C E S</p> <p>COUNCIL MEMBERS:</p> <p>Wesley Anderson</p> <p>Kinnamon Clark</p> <p>Matt Cobb</p> <p>Dale Copeland</p> <p>Dr. Kenneth Ede</p> <p>Lyndel Gibson</p> <p>Ray Reaves, Vice Chair</p> <p>Terry Vandell</p> <p>Lee Grater, Chair</p> <p>PRESENTERS:</p> <p>Cliff Hoyle</p> <p>Mike Stickney</p> <p>Mike Edwards</p> <p>Aron Samwel</p> <p>Heather Mallory</p>	<p style="text-align: right;">Page 3</p> <p style="text-align: center;">P R O C E E D I N G S</p> <p>MR. GRATER: Call the meeting to order.</p> <p>This October 21st, 2021, regularly scheduled meeting of the Hazardous Waste Management Advisory Council is called in accordance with the Open Meeting Act.</p> <p>Notice was filed with the Secretary of State on November 4th, 2020. The agenda was duly posted 24 hours prior to the meeting at the DEQ.</p> <p>Only matters appearing on the posted agenda may be considered at this regular meeting. In the event this meeting is continued or reconvened, public notice of the date, time, and place of the continued meeting will be given by announcement at this meeting. Only matters appearing on the agenda of a meeting which is continued may be discussed at the continued or reconvened meeting.</p> <p>Ms. Fields.</p> <p>MS. FIELDS: Mr. Anderson is absent.</p> <p>Mr. Clark?</p> <p>MR. CLARK: Here.</p> <p>MS. FIELDS: Mr. Cobb?</p> <p>MR. COBB: Here.</p> <p>MS. FIELDS: Mr. Copeland.</p> <p>MR. COPELAND: Here.</p> <p>MS. FIELDS: Dr. Ede.</p> <p>DR. EDE: Here.</p>
<p style="text-align: right;">Page 4</p> <p>MS. FIELDS: Mr. Gibson.</p> <p>MR. GIBSON: Present.</p> <p>MS. FIELDS: Mr. Reaves is absent.</p> <p>Ms. Vandell.</p> <p>MS. VANDELL: Here.</p> <p>MS. FIELDS: Mr. Grater.</p> <p>CHAIRMAN GRATER: Here.</p> <p>MS. FIELDS: We have a quorum.</p> <p>CHAIRMAN GRATER: First, I'd like to thank everybody for coming to the meeting. It's been a crazy year, a lot has happened.</p> <p>We do have three new members: Mr. Kinnamon Clark, Mr. Matt Cobb, and Dale Copeland.</p> <p>Thank you for taking the time to provide your services to the DEQ.</p> <p>The next item on the agenda will be the director's report and budget presentation by Mr. Hoyle and Mr. Stickney.</p> <p>MR. HOYLE: Good morning, everybody.</p> <p>First I want to echo what Mr. Grater said, and I want to thank you all for being here this morning and for serving on the council. I believe our councils -- they serve an important function.</p> <p>Each of you has your own unique perspectives and backgrounds, so having that input into our rulemaking</p>	<p style="text-align: right;">Page 5</p> <p>public participation is important. So, again, thanks for being here this morning and participating in our process.</p> <p>So I don't have a whole lot, but I know we've got some new members, as Mr. Grater mentioned as well, so I thought I could offer up an overview -- kind of broad overview of our hazardous waste program, just try to summarize how everything kind of ties together and some of the stuff we're doing here today.</p> <p>So DEQ hazardous waste program is made up of two primary sections: the compliance section and the permitting section. The compliance section is managed by Mr. Mike Edwards and the permitting section by Zack Paden. And, of course, those are based off of federal regulations.</p> <p>So Oklahoma is an authorized state under the Resource Conservation and Recovery Act, or RCRA. RCRA is the federal hazardous waste regulations and a general term that we use just for the program.</p> <p>So, like I said, we're an authorized state. So what that means is that EPA has delegated the primary responsibility of implementing RCRA to the State of Oklahoma in lieu of EPA.</p> <p>And this is good for several reasons. It provides, you know, national consistency across the country, but in addition to that, it allows for</p>

<p style="text-align: right;">Page 6</p> <p>1 flexibility of the state to implement the program. We 2 live here, this is our home, we should be the one managing 3 the program. 4 To explain this authorization, a couple things 5 have to happen. We have to maintain equivalent rules with 6 the Feds, which is part of what we're doing here today by 7 incorporation by reference. 8 So today we're going to vote rulemaking action, 9 incorporation by reference. After today, if it passes the 10 vote, that would go on to the board, the DEQ board. 11 Mr. Lee Grater will present those rules to the board in 12 January, I believe. 13 After the board meeting, then it goes to the 14 legislature and then on to the governor's office. And 15 then once the governor signs, then our rules are in effect 16 and we have equivalent federal rules. 17 So, in addition to being equivalent regulations 18 to the Feds, there's certain benchmarks that our programs 19 have to meet on both compliance and permitting side, and 20 we consistently meet or exceed these benchmarks. 21 We routinely get good reviews from EPA. And 22 that's good. It's good to get kudos from EPA, but more 23 than that, you know, like, an example on the compliance 24 side, what I value the most is our staff's understanding 25 of our "assistance first" kind of philosophy in providing</p>	<p style="text-align: right;">Page 7</p> <p>1 good customer service to our Oklahoma companies while also 2 meeting those EPA expectations and benchmarks. 3 Same with the permitting side. Our permit writers 4 have great working relationships with the permitting 5 facilities, and they really model that flexibility and 6 collaboration idea that we like to have. 7 So, to wrap all that up, you know, we're voting today 8 on incorporation by reference to maintain our equivalent 9 regs. It will go through its process. And all that is to 10 keep us as an authorized program, keep the grant money to 11 help fund the program, and ultimately keep Oklahoma 12 administering the hazardous waste -- or keep DEQ 13 administering the hazardous waste program in the state of 14 Oklahoma. 15 So that was kind of a rough overview, but I just 16 wanted to share that and brag about our staff a little bit 17 along the way. 18 In other LPD news -- 19 Kole Kennedy, can you stand up, please? 20 Kole Kennedy was recently -- a long-time LPD staff 21 member was recently promoted to manager of our used tire 22 program. And he's been involved with councils for a long 23 time, mainly the solid waste council, but in his new role 24 we hope to expand on that duty. 25 And he's going to be more involved with our councils</p>
<p style="text-align: right;">Page 8</p> <p>1 across land protection to bring consistency to all of our 2 rulemaking and council meeting processes. 3 So that's about all I've got. 4 Is there any questions for me before I ask Mike 5 Stickney to talk about some budget stuff? 6 No? All right. Thank you. 7 MR. STICKNEY: Good morning. I'd like to 8 review some budget information with you. If you look -- 9 I believe it's tab 2, you'll find budget sheets. 10 And first I want to look at the one -- the third line 11 will say Fiscal Year 2021. Find that sheet. 12 If you look at that, on the top right you'll see two 13 amounts; our fee income of a little more than 1.2 million, 14 almost 1.3 million, and the second line is our federal 15 income or our grant allocation, just over 900,000. 16 That's a total income of \$2,184,503. 17 And I'll discuss fees and grant in more detail 18 shortly, but first let's look at the totals of the last 19 two columns on the table on this sheet. One column is 20 labeled "Expenditures" through 9/17/2021, and at the 21 bottom of that column you'll see a total of 2,031,399. 22 And the column on the far right labeled "Remaining 23 Encumbrances," that column totals 87,972. 24 Those two columns added together equal 2,119,371. 25 That is our total of our expenses for fiscal year 2021.</p>	<p style="text-align: right;">Page 9</p> <p>1 The other column shows that we were budgeted in 2 what's broken down on several line items there. The 3 FY '21 budget amount was 2,458,788. 4 So, in summary on this part, we budgeted almost 2 and 5 a half million, our actual expenses were just over 6 2.1 million, and our income was over -- also just over 7 2.1 million. Our income was greater than our expenses by 8 about \$65,000. 9 A little more information about our grant money 10 that's not on these sheets. From Fiscal Year 2015 through 11 Fiscal Year 2020, our grant allocation dropped each year, 12 starting from an amount of a million dollars in Fiscal 13 Year 2015, to finally, in Fiscal Year 2020, it had dropped 14 to 856,512. However, our grant increased for Fiscal Year 15 2021 to 906,838, as I pointed out earlier. 16 EPA has also projected that, through Fiscal Year 17 2025, our grant will increase about \$60,000 each year. So 18 when we look ahead to Fiscal Year 2025, that grant amount 19 currently is projected at 1,132,124. 20 As far as fees, the income in Fiscal Years 2019 and 21 2020 averaged just over 1 and a half million. And as I 22 said, in Fiscal Year 2021, we received slightly less than 23 that, 1,277,665. 24 Income for the first quarter of Fiscal Year 2022 is 25 recorded at around \$464,000. That's the most received in</p>

<p style="text-align: right;">Page 10</p> <p>1 the first quarter in several years.</p> <p>2 In you'll look at the table on some of the line</p> <p>3 items, starting with salaries and compensation expenses,</p> <p>4 you see that we budgeted more than was expended.</p> <p>5 We budgeted almost \$1.7 million, we expended</p> <p>6 1,445,000, a difference of almost \$222,000.</p> <p>7 The hazardous waste section has, at its core, 14</p> <p>8 FTEs in the permitting and corrective action group and the</p> <p>9 hazardous waste compliance group.</p> <p>10 Other people that devote all their time to</p> <p>11 hazardous waste section include our administrative</p> <p>12 assistant, our chief engineer, our lawyer, and me.</p> <p>13 We have two slots total in the permitting and</p> <p>14 compliance groups that are currently vacant. That's the</p> <p>15 reason for the difference in what is budgeted and</p> <p>16 expended.</p> <p>17 If you look at professional services, you'll see</p> <p>18 that we budgeted 100,000 and only expended 26,000. Plus,</p> <p>19 we have the encumbrance of 12,000, so about 38 altogether.</p> <p>20 That's quite a bit lower than what was budgeted.</p> <p>21 And I think we'll run into -- for the items that</p> <p>22 are like that, where they're lower, we can attribute that</p> <p>23 to the pandemic and COVID and the way it affected our</p> <p>24 activities after the budget was made.</p> <p>25 Travel expenses especially are down from what</p>	<p style="text-align: right;">Page 11</p> <p>1 was budgeted for Fiscal Year 2021. Administrative</p> <p>2 expenses budgeted 99,000, only expended about 66,000.</p> <p>3 Lab equipment, furniture, building construction</p> <p>4 air monitoring sites, we've got a budget of 6,000 and we</p> <p>5 expended 9,000 and have encumbrances of 7,000. So we're a</p> <p>6 little over there.</p> <p>7 We have a line item that does not apply to our</p> <p>8 section. The Northwest Oklahoma Economic Development</p> <p>9 Authority, we budget 90,000 a year. That's based on when</p> <p>10 we look at three years, usually, and average out what we</p> <p>11 expect it to be.</p> <p>12 Total expenditure here, and encumbrance, comes</p> <p>13 up to \$175,000, so I missed the mark on that estimate for</p> <p>14 the budget. Indirect costs also came in lower than what</p> <p>15 was budgeted for that.</p> <p>16 Now, on the back of your page, you'll find 2022</p> <p>17 information. Looking at salaries and compensation</p> <p>18 expenses as compared to 2021, those are going to be about</p> <p>19 the same because we are not changing anything there.</p> <p>20 We -- as we said, we had two vacancies, but we</p> <p>21 still budget for those in hopes of filling those in the</p> <p>22 future.</p> <p>23 Professional services, where last year we</p> <p>24 budgeted a hundred thousand, we budgeted 46,000 this year,</p> <p>25 which is below what we budgeted but above what we</p>
<p style="text-align: right;">Page 12</p> <p>1 expended. So we're trying to find the happy medium there.</p> <p>2 Same with administrative expenses. We budgeted</p> <p>3 99,000, as I said, and only expended 66, so we budgeted at</p> <p>4 87.</p> <p>5 And you see the information there for the local</p> <p>6 government, nonprofit projects and programs. And, again,</p> <p>7 we estimate what we're going to pay for Northwest Oklahoma</p> <p>8 Economic Development Authority at 90,000. Indirect costs</p> <p>9 are budgeted at lower than what we budgeted last year, a</p> <p>10 little more than what was expended.</p> <p>11 So that's a very brief look at our budget from</p> <p>12 this time last year and this year.</p> <p>13 Cliff, did you have any information that you</p> <p>14 wanted to add to that?</p> <p>15 MR. HOYLE: Yeah, I could just expand on the</p> <p>16 payment to the Northwest Economic Authority. That is by</p> <p>17 statute, and that is where a certain percentage of the</p> <p>18 fees off the top go to the local Economic Authority, like</p> <p>19 10 miles of that disposal facility.</p> <p>20 Lone Mountain is the disposal facility, so all the</p> <p>21 waste that goes there and the fees collected -- a portion</p> <p>22 of those fees go to the Northwest Economic Authority.</p> <p>23 Any questions on the budget for Mr. Stickney or</p> <p>24 myself?</p> <p>25 DR. EDE: Yes, yes, I do.</p>	<p style="text-align: right;">Page 13</p> <p>1 Everybody hear me okay?</p> <p>2 A couple questions. I'm just not familiar with some</p> <p>3 of the nomenclature. What does "professional services"</p> <p>4 mean?</p> <p>5 MR. STICKNEY: Professional services would</p> <p>6 include where we receive certain training, like a</p> <p>7 asbestos inspector, online Hazwoper refresher, medical</p> <p>8 monitoring, court reporter, things like that.</p> <p>9 DR. EDE: Second question is: Do you think it</p> <p>10 would be a good idea to include -- I think cost of living</p> <p>11 this year was 5.5 percent -- to include additional</p> <p>12 5.5 percent specifically for salaries, for raises for</p> <p>13 next year, to bake this already into the budget to ensure</p> <p>14 that we keep -- and the goal is to keep good personnel</p> <p>15 with ODEQ, because I think -- I believe the cost of</p> <p>16 living was 5.5 this year -- to bake that right into the</p> <p>17 budget?</p> <p>18 MR. HOYLE: I agree with you Mr. Ede, it's a</p> <p>19 good idea. Something of that nature would be more on an</p> <p>20 agency-wide level. It would need to be implemented, you</p> <p>21 know, throughout the agency.</p> <p>22 DR. EDE: Okay. Okay. Next question is, on</p> <p>23 lab equipment, apparently, we didn't budget enough for</p> <p>24 last year.</p> <p>25 Do you think we should be, again, budgeting more</p>

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1 money for next year, especially with -- they've purchased
2 a tandem aspect LC to do PFAS analysis. That is going to
3 be extremely expensive.

4 Do you think -- I guess my question to the ODEQ
5 folks: Is this sufficient? Is this budget sufficient for
6 all the new expenditures that you're going to be seeing?

7 MR. HOYLE: Right. And we worked closely with
8 our other divisions, and especially the lab, to try to
9 figure this out.

10 And I believe they got additional appropriated
11 dollars this year to help cover those expenses. Their
12 appropriated dollars increased. And they're one of the
13 few divisions that actually gets appropriated dollars from
14 the legislature. We don't receive any appropriated
15 dollars for LPD.

16 DR. EDE: Just want to make sure that ODEQ is
17 fully funded. Thank you very much.

18 MR. GIBSON: I also had a question,
19 Mr. Stickney. Could you tell me, or tell us, what these
20 indirect costs are?

21 MR. STICKNEY: Indirect costs are -- come from
22 the agency itself. It's what -- how we help provide for
23 the financing, accountants, human resources, that sort of
24 thing. It's figured in at a percentage and it's spread
25 across the agency.

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1 MS. FIELDS: Mr. Cobb?
2 MR. COBB: Aye.
3 MS. FIELDS: Mr. Copeland.
4 MR. COPELAND: Aye.
5 MS. FIELDS: Dr. Ede.
6 DR. EDE: Aye.
7 MS. FIELDS: Mr. Gibson.
8 MR. GIBSON: Aye.
9 MS. FIELDS: Ms. Vandell.
10 MS. VANDELL: Aye.
11 MS. FIELDS: Mr. Grater.
12 CHAIRMAN GRATER: Yes.
13 MS. FIELDS: Motion passed.
14 CHAIRMAN GRATER: Next item on the agenda is
15 discussion and roll call vote -- I'm sorry -- roll call
16 vote on DEQ's proposed updates to the state hazardous
17 waste rules in the context of recent statutory changes.
18 MR. EDWARDS: We skipped number 6.
19 CHAIRMAN GRATER: Oh, did I skip 6? Sorry.
20 So discussion and roll call vote --
21 MR. STICKNEY: There's two sets of minutes.
22 CHAIRMAN GRATER: Let me ask a question. Why
23 are we approving the minutes from the 2020 rulemaking
24 meeting?
25 MR. EDWARDS: We would have approved those in

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1 MR. GIBSON: So this is like charge-back from
2 other departments or a cost-sharing for personnel?
3 MR. STICKNEY: I believe it would be considered
4 like cost-sharing for support of a division that we --
5 it's critical for our work.
6 MR. GIBSON: Thank you.
7 CHAIRMAN GRATER: Are there any other
8 questions?
9 Don't seem to be.
10 The next item on the agenda would be discussion and
11 roll call vote to approve the minutes from the July 2021
12 Hazardous Waste Management Advisory Council Meeting.
13 Are there questions by the council?
14 Do not appear to be.
15 Questions from the public?
16 Again, do not appear to be any.
17 Do we have a motion to approve or disapprove?
18 MR. GIBSON: Move to approve.
19 CHAIRMAN GRATER: Is there a second?
20 MR. COBB: Second.
21 CHAIRMAN GRATER: We have a motion and a
22 second.
23 Ms. Fields.
24 MS. FIELDS: Mr. Clark.
25 MR. CLARK: Aye.


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1 the July meeting, but since we had three brand new
2 members and several people weren't attending, we decided
3 to shift that approval to this meeting, more likely to
4 have --
5 MR. GRATER: Okay. That was the agenda email
6 that you sent out about voting.
7 MR. EDWARDS: Right, right.
8 CHAIRMAN GRATER: All right. Item number 6,
9 discussion and roll call vote to approve the minutes from
10 the October 2020 Hazardous Waste Management Advisory
11 Council rulemaking meeting.
12 Are there questions by the council?
13 Don't appear to be.
14 Questions from the public?
15 None.
16 Motion to approve or disprove?
17 MR. GIBSON: I move to approve.
18 CHAIRMAN GRATER: Is there a second?
19 MS. VANDELL: Second.
20 CHAIRMAN GRATER: Quiana.
21 MS. FIELDS: Mr. Clark.
22 MR. CLARK: Abstain.
23 MS. FIELDS: Mr. Cobb?
24 MR. COBB: Abstain.
25 MS. FIELDS: Mr. Copeland.

<p style="text-align: right;">Page 18</p> <p>1 MR. COPELAND: Aye. 2 MS. FIELDS: Dr. Ede. 3 DR. EDE: Aye. 4 MS. FIELDS: Mr. Gibson. 5 MR. GIBSON: Yes. 6 MS. FIELDS: Ms. Vandell. 7 MS. VANDELL: Aye. 8 MS. FIELDS: Mr. Grater. 9 CHAIRMAN GRATER: Aye. 10 MS. FIELDS: Motion passed. 11 CHAIRMAN GRATER: Okay. Item number 7, 12 discussion of roll call vote on the DEQ's proposed 13 updates to the state's hazardous waste rules in the 14 context of the recent statutory changes. 15 Introduction by Mr. Edwards. 16 MR. EDWARDS: All right. Thank you, 17 Mr. Grater. 18 I'm a little biased, but I consider this the meat of 19 the meeting, so I think the best way to go through this 20 would be to start with the notice of rulemaking, which is 21 Tab 6. 22 Like I normally do, I'm just going to read you the 23 summary because I think that's probably the most efficient 24 way to convey what we are incorporating by reference. 25 The gist of this rulemaking is to make DEQ's</p>	<p style="text-align: right;">Page 19</p> <p>1 hazardous waste rules consistent with federal regulations 2 by incorporating by reference the regulations found in the 3 CFR that was revised as of July 1, 2021. 4 The significant rule change for this IBR modernizes 5 the rules governing determinations for ignitable liquid 6 hazardous waste. 7 The modification will allow labs testing for the 8 characteristic to use non-mercury thermometers, finalizes 9 the codification of existing guidance defining aqueous as 10 50 percent water by weight. It corrects cross-references 11 to DOT regulations and removes obsolete information. 12 This rulemaking ensures that Oklahoma's hazardous 13 waste rules are at least equivalent to federal rules as 14 required to maintain program authorization. 15 Additionally, statute changes that became effective 16 July 1, 2021, have rendered certain state rules obsolete. 17 Therefore, the DEQ is modifying those state rules that 18 have been affected by the statute changes. 19 So that's the big picture of what we're doing. 20 If you go to the previous tab, which is tab 5, you 21 will see a listing of the rules that we're striking 22 through, that have become obsolete, and at the top of the 23 incorporation by reference where we changed the date. 24 So I think maybe the best way to do it is if you can 25 look at the notice, you can see which subchapters we're</p>
<p style="text-align: right;">Page 20</p> <p>1 changing. You can just look at it on the rule document as 2 well, but to me it's almost easier to kind of look at both 3 at the same time. 4 The subchapter 3, 3-1 is the incorporation by 5 reference. So you can see there that we're changing that 6 from 2020 to 2021. 7 And then after that, we get into the subchapters that 8 had to be modified because of the statute changes and the 9 previous meetings with this council where we eliminated 10 disposal plans and quarterly reports, which some of you 11 were not here for that, but it was a big topic from the 12 last couple years. It also resulted in some fee changes. 13 And so that's what these subchapters really are 14 getting at. 15 The first one really -- 5-1 -- these are all pretty 16 straightforward. 5-1, really, I think, is the main one 17 that initiated the requirement for disposal plans. So by 18 striking that through, we are making our rules equivalent 19 with the current statutes. 20 Similarly, 5-1, 5-2, and 5-3, they are in the 21 additional generators requirements subchapter of the 22 rules. These are just -- it's self-explanatory really. 23 There's the exemption from the disposal plan 24 requirements of 5-2. There's the quarterly reporting 25 requirements of 5-3. We had to strike those through.</p>	<p style="text-align: right;">Page 21</p> <p>1 Again, moving on, subchapter 21, adjustments had to 2 be made to the fees. Again, pretty straightforward, 3 self-explanatory of the disposal plan fees. As you guys 4 know, we've overmodified, and so that's really what we're 5 doing is we're standardizing this with the statute. 6 What I think is kind of interesting is this is the 7 first time we've ever had to modify an appendix. So you 8 may notice, in Appendix C, there's a fee table. 9 I didn't know this, but you cannot actually strike 10 through the contents of a box within a table. You have to 11 strike through the entire appendix. 12 That's why this left side of the entire appendix is 13 struck through, and then we bring in the new appendix with 14 an entire new set of regulations, even things that didn't 15 change. So I thought that was kind of an interesting 16 quirk to the rulemaking. 17 That's really it. Those are the subchapters that we 18 have to change, again, to make our rules equivalent with 19 the state statutes. 20 So I can answer any questions that may have on that. 21 CHAIRMAN GRATER: Any questions by council? 22 (No response.) 23 CHAIRMAN GRATER: I would say that under the 24 circumstances and because of some things unique to my 25 background, it's probably necessary to do away with the</p>

<p style="text-align: right;">Page 22</p> <p>1 disposal plans. They basically serve no real purpose, 2 and may have been well intended to begin with, but that's 3 not the way it worked out, and it's not necessarily DEQ's 4 fault. 5 Any other questions? 6 Any questions from the public? 7 Is there a motion to approve? 8 MR. CLARK: Move to approve. 9 MR. GRATER: Motion's been made to approve. 10 Is there a second? 11 MS. VANDELL: Second. 12 CHAIRMAN GRATER: Ms. Vandell has seconded. 13 Ms. Fields. 14 MS. FIELDS: Mr. Clark. 15 MR. CLARK: Aye. 16 MS. FIELDS: Mr. Cobb. 17 MR. COBB: Aye. 18 MS. FIELDS: Mr. Copeland. 19 MR. COPELAND: Aye. 20 MS. FIELDS: Dr. Ede. 21 DR. EDE: Aye. 22 MS. FIELDS: Mr. Gibson. 23 MR. GIBSON: Aye. 24 MS. FIELDS: Ms. Vandell. 25 MS. VANDELL: Aye.</p>	<p style="text-align: right;">Page 23</p> <p>1 MS. FIELDS: Mr. Grater. 2 CHAIRMAN GRATER: Aye. 3 MS. FIELDS: Motion passed. 4 CHAIRMAN GRATER: Next item on the agenda is 5 discussion and roll-call vote on DEQ's proposed updates 6 to the Subchapters 1, 3, 5, and 7 of OAC 252:221 7 Brownfield's regulations. 8 Introduction and presentation by Mr. Samwel and 9 Ms. Mallory. 10 MS. SAMWEL: My name is Aron Samwel, and I'm 11 the Brownfield's manager. And I want to thank the 12 council for hearing the updates that we would like to 13 make to our rules. 14 The Brownfield's program provides a way for 15 participants to voluntarily clean up contaminated 16 property, releasing them of environmental liability. We 17 also provide loans and subgrants to help eligible entities 18 clean up sites in our revolving loan fund program. 19 In February 2020, Governor Stitt signed Executive 20 Order 2020-03, asking state agencies to review their 21 rules. Our rules were approved ten years ago. 22 The updates we want to make are to make our rules in 23 line with current procedures. For example, our rules 24 state that the Department of Commerce is our fund manager. 25 The Department of Commerce has not been our fund manager</p>
<p style="text-align: right;">Page 24</p> <p>1 since 2018. 2 I'd like to introduce our revolving loan fund 3 coordinator, Heather Mallory. Heather is going to talk 4 about the updates we would like to make. 5 Thank you. 6 MS. MALLORY: Hello. First I wanted to let you 7 know that there was some changes compared to the version 8 that you have. We found, like, some formatting errors 9 and just some numbering off, so I'm going to let you know 10 about those. 11 For 1-4 line 2, just fix some formatting there. We 12 found something italicized that shouldn't have been. 13 5-1, line 2, we put the correct statute number in 14 there. We had the wrong one in there. 15 And 7-3, E, beginning at the end of line 2, we just 16 switched the sentence around a little bit so it would flow 17 better. 18 7-11, Subsections 1 through 4, had a word kind of 19 struck out, some of those sections, and they actually 20 shouldn't have been, they were correct. So we undid that. 21 And then 7-11, Subsections 5 through 10, those 22 actually had to be renumbered because they were in there 23 incorrectly. 24 And then 7-11 -- oh, I think that follows along. 25 Number 7 changed to number 6. So those are the updates we</p>	<p style="text-align: right;">Page 25</p> <p>1 had there. 2 We have made a lot of changes because it's been ten 3 years. And I'm not going to go through all of them, but 4 the high points are we fixed a lot of formatting. We 5 might have found, like, words doubled. So, like "the 6 the," we struck that out. We fixed the formatting, trying 7 to make it more modernized. 8 Because ten years ago the internet wasn't a thing so 9 much, so now we want to be able to put public notices out 10 on our website versus only in the newspaper. Newspaper 11 readership is going down, so we were trying to modernize 12 that way. 13 And then, also, like she mentioned, removed 14 Department of Commerce, and we just put some generic 15 wording because we currently, in-house, manage our 16 revolving loan fund. But what if that changed? So we 17 wanted to make that generic just to say we have a fund 18 manager. 19 And then other changes that we made were just old 20 terminology, community -- changing community involvement 21 plan to community relations plan just to be in line with 22 what our grant says for us to do. 23 That's our changes. Do you guy have any questions? 24 MR. GIBSON: So I guess the overall impact is 25 minimal to the program, from what you said, other than</p>

<p style="text-align: right;">Page 26</p> <p>1 the changes, the strike-throughs, things of that nature?</p> <p>2 MS. MALLORY: Yes. Yeah, actually, the -- it</p> <p>3 will be a cost savings for our participants. They won't</p> <p>4 have to send in two paper copies anymore. That's one of</p> <p>5 the changes we're making.</p> <p>6 And then they won't have to publish in the newspaper,</p> <p>7 pay the newspaper to publish public notices. So that will</p> <p>8 help folks out.</p> <p>9 MR. GIBSON: Thank you.</p> <p>10 CHAIRMAN GRATER: All right.</p> <p>11 DR. EDE: I don't have a question, more of a</p> <p>12 comment. I'm a big proponent of Brownfield's. I think</p> <p>13 it's a wonderful program.</p> <p>14 And I was wondering, do you guys have any form of a</p> <p>15 yearly what is the economic impact to the State of</p> <p>16 Oklahoma? Do you keep those kinds of records?</p> <p>17 And the other question is, as far as job growth, how</p> <p>18 this really encourages job growth in the State of</p> <p>19 Oklahoma.</p> <p>20 MS. MALLORY: We actually -- our grant requires</p> <p>21 us to document that in EPA's ACRES database, and so we</p> <p>22 try to -- they have us count jobs created, temporary and</p> <p>23 permanent.</p> <p>24 And we look at redevelopment after our cleanup and so</p> <p>25 we can show directly, you know, the impact that just one</p>	<p style="text-align: right;">Page 27</p> <p>1 tiny cleanup can have.</p> <p>2 And they also -- recently, we've started to report to</p> <p>3 ECOS results, and they do really interesting little -- you</p> <p>4 know, they make it very visual. They'll put bar charts</p> <p>5 and different things just to engage the public and kind of</p> <p>6 tell the stories.</p> <p>7 DR. EDE: Excellent. Excellent. Keep up the</p> <p>8 good work.</p> <p>9 MS. MALLORY: Thank you.</p> <p>10 CHAIRMAN GRATER: As far as the public</p> <p>11 notification process goes, are you also abandoning the</p> <p>12 requirement to post announcements on local radio</p> <p>13 stations?</p> <p>14 MS. MALLORY: Well, that was never a part of</p> <p>15 our rules.</p> <p>16 CHAIRMAN GRATER: You mean it's not part of the</p> <p>17 Brownfield's rules?</p> <p>18 MS. SAMWEL: No.</p> <p>19 CHAIRMAN GRATER: Okay. My mistake.</p> <p>20 Okay. Any other questions?</p> <p>21 Any questions from the public?</p> <p>22 Don't seem to be.</p> <p>23 Do we have a motion to approve?</p> <p>24 MS. VANDELL: Motion to approve.</p> <p>25 CHAIRMAN GRATER: Do we have a second?</p>
<p style="text-align: right;">Page 28</p> <p>1 MR. GIBSON: Second.</p> <p>2 CHAIRMAN GRATER: Ms. Fields.</p> <p>3 MS. FIELDS: Mr. Clark.</p> <p>4 MR. CLARK: Aye.</p> <p>5 MS. FIELDS: Mr. Cobb.</p> <p>6 MR. COBB: Aye.</p> <p>7 MS. FIELDS: Mr. Copeland.</p> <p>8 MR. COPELAND: Aye.</p> <p>9 MS. FIELDS: Dr. Ede.</p> <p>10 DR. EDE: Aye.</p> <p>11 MS. FIELDS: Mr. Gibson.</p> <p>12 MR. GIBSON: Aye.</p> <p>13 MS. FIELDS: Ms. Vandell.</p> <p>14 MS. VANDELL: Aye.</p> <p>15 MS. FIELDS: Mr. Grater.</p> <p>16 CHAIRMAN GRATER: Aye.</p> <p>17 MS. FIELDS: Motion passed.</p> <p>18 CHAIRMAN GRATER: Next item on the agenda is</p> <p>19 election of officers for 2022.</p> <p>20 Is there any nominated? I believe the chairman and</p> <p>21 vice chairman positions are open. There any nominations</p> <p>22 for those two positions?</p> <p>23 Mr. Reaves is not here, but I'm going to make a</p> <p>24 suggestion. At our last meeting he suggested we simply</p> <p>25 reappoint the current members, which would be Mr. Reaves</p>	<p style="text-align: right;">Page 29</p> <p>1 and myself. Is there any objection to that?</p> <p>2 Anyone want to step up? Okay.</p> <p>3 Is there a motion to approve?</p> <p>4 MS. VANDELL: Motion to approve.</p> <p>5 MR. GRATER: Motion to second?</p> <p>6 DR. EDE: Second.</p> <p>7 CHAIRMAN GRATER: Motion's been made, approved,</p> <p>8 and seconded.</p> <p>9 Ms. Fields, would you call the role, please.</p> <p>10 MS. FIELDS: Mr. Clark.</p> <p>11 MR. CLARK: Aye.</p> <p>12 MS. FIELDS: Mr. Cobb?</p> <p>13 MR. COBB: Aye.</p> <p>14 MS. FIELDS: Mr. Copeland.</p> <p>15 MR. COPELAND: Aye.</p> <p>16 MS. FIELDS: Dr. Ede.</p> <p>17 DR. EDE: Aye.</p> <p>18 MS. FIELDS: Mr. Gibson.</p> <p>19 MR. GIBSON: Aye.</p> <p>20 MS. FIELDS: Ms. Vandell.</p> <p>21 MS. VANDELL: Aye.</p> <p>22 MS. FIELDS: Mr. Grater.</p> <p>23 CHAIRMAN GRATER: Aye.</p> <p>24 MS. FIELDS: Motion passed.</p> <p>25 CHAIRMAN GRATER: Number 10 on the agenda, set</p>

<p style="text-align: right;">Page 30</p> <p>1 meeting dates for 2022.</p> <p>2 First of all, Mr. Edwards.</p> <p>3 MR. EDWARDS: So we'd like to do the same thing</p> <p>4 we've been doing the last couple years and set a July</p> <p>5 meeting and then the rulemaking meeting in October.</p> <p>6 Dates we're looking at for July are the 7th, 21st, or</p> <p>7 28th. We have no preference, so whatever you guys want,</p> <p>8 we can deal with.</p> <p>9 Want to do the 7th?</p> <p>10 CHAIRMAN GRATER: July 7th.</p> <p>11 UNIDENTIFIED MAN: That's close to the 4th.</p> <p>12 CHAIRMAN GRATER: Yeah.</p> <p>13 MR. EDWARDS: The 21st or the 28th, it's a</p> <p>14 Thursday, so the third or fourth week of July.</p> <p>15 CHAIRMAN GRATER: The 21st in case we have to</p> <p>16 postpone for some reason.</p> <p>17 MR. EDWARDS: Sure.</p> <p>18 So October, we're really looking at the 20th. That's</p> <p>19 going to be the ideal date for the rule publication</p> <p>20 reasons, but we could also do the 27th.</p> <p>21 CHAIRMAN GRATER: The 20th sounds good.</p> <p>22 There's a consensus for the 20th.</p> <p>23 MR. EDWARDS: Okay. So you vote on that, we'll</p> <p>24 be good.</p> <p>25 CHAIRMAN GRATER: Do we have a motion to</p>	<p style="text-align: right;">Page 31</p> <p>1 approve those dates?</p> <p>2 MR. GIBSON: I'll make a motion.</p> <p>3 CHAIRMAN GRATER: And a second?</p> <p>4 MS. VANDELL: Second.</p> <p>5 MR. GRATER: Ms. Fields.</p> <p>6 MS. FIELDS: Mr. Clark.</p> <p>7 MR. CLARK: Aye.</p> <p>8 MS. FIELDS: Mr. Cobb?</p> <p>9 MR. COBB: Aye.</p> <p>10 MS. FIELDS: Mr. Copeland.</p> <p>11 MR. COPELAND: Aye.</p> <p>12 MS. FIELDS: Dr. Ede.</p> <p>13 DR. EDE: Aye.</p> <p>14 MS. FIELDS: Mr. Gibson.</p> <p>15 MR. GIBSON: Aye.</p> <p>16 MS. FIELDS: Ms. Vandell.</p> <p>17 MS. VANDELL: Aye.</p> <p>18 MS. FIELDS: Mr. Grater.</p> <p>19 CHAIRMAN GRATER: Aye.</p> <p>20 MS. FIELDS: Motion passed.</p> <p>21 CHAIRMAN GRATER: Last item on agenda is new</p> <p>22 business limited to any matter not known or which could</p> <p>23 not have been reasonably foreseen prior to the time of</p> <p>24 posting of the agenda 24 hours prior to the meeting.</p> <p>25 Any such business?</p>
<p style="text-align: right;">Page 32</p> <p>1 There does not appear to be any.</p> <p>2 That concludes our agenda. Is there a motion to</p> <p>3 adjourn?</p> <p>4 MR. CLARK: Moved to approve.</p> <p>5 MR. COBB: Second.</p> <p>6 CHAIRMAN GRATER: Motion been made and</p> <p>7 seconded.</p> <p>8 Ms. Fields.</p> <p>9 MS. FIELDS: Mr. Clark.</p> <p>10 MR. CLARK: Aye.</p> <p>11 MS. FIELDS: Mr. Cobb?</p> <p>12 MR. COBB: Aye.</p> <p>13 MS. FIELDS: Mr. Copeland.</p> <p>14 MR. COPELAND: Aye.</p> <p>15 MS. FIELDS: Dr. Ede.</p> <p>16 DR. EDE: Aye.</p> <p>17 MS. FIELDS: Mr. Gibson.</p> <p>18 MR. GIBSON: Aye.</p> <p>19 MS. FIELDS: Ms. Vandell.</p> <p>20 MS. VANDELL: Aye.</p> <p>21 MS. FIELDS: Mr. Grater.</p> <p>22 CHAIRMAN GRATER: Aye.</p> <p>23 MS. FIELDS: We have a quorum.</p> <p>24 (End of proceedings at 10:45 a.m.)</p> <p>25</p>	<p style="text-align: right;">Page 33</p> <p>1 STATE OF OKLAHOMA)</p> <p>2) SS:</p> <p>3 COUNTY OF OKLAHOMA)</p> <p>4</p> <p>5 C E R T I F I C A T E</p> <p>6 I, DEBRA GARVER, a certified shorthand reporter</p> <p>7 within and for the State of Oklahoma, certify that the</p> <p>8 foregoing transcription of the DEPARTMENT OF ENVIRONMENTAL</p> <p>9 QUALITY HAZARDOUS WASTE MANAGEMENT ADVISORY COUNCIL had</p> <p>10 October 21, 2021, at the Oklahoma Department of</p> <p>11 Environmental Quality, 707 North Robinson, 1st floor,</p> <p>12 Multi-Purpose Room, in Oklahoma City, Oklahoma, was taken</p> <p>13 by me in stenotype and simultaneously transcribed by</p> <p>14 computer, and the foregoing is a true and correct</p> <p>15 transcript of said proceedings, and that I am not an</p> <p>16 attorney for or a relative of any party, or otherwise</p> <p>17 interested in this action.</p> <p>18 Witness my hand and seal of office, November 12, 2021.</p> <p>19</p> <p>20 </p> <p>21 DEBRA GARVER, CSR, RPR</p> <p>22 State of Oklahoma CSR# 1370</p> <p>23 Certificate exp. 12/31/2021</p> <p>24</p> <p>25</p>



HAZARDOUS WASTE MANAGEMENT ADVISORY COUNCIL

Attendance Record

October 21, 2021

Oklahoma City, Oklahoma

CHECK BOX TO COMMENT

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